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DEC 05 2002

GROUP 1600*Facsimile Transmittal*

To: Examiner David Lukton
Patent Examiner, Group 1800

From: Vinit Kathardekar
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Date: December 5, 2002

CC:

Pages (including this cover sheet): 6

*If there are any transmission problems,
please call Rhonda Stine at 408.215.3429.*

Re: U.S. Patent Application No. 09/699,027
Filed: 10/27/2000
Response to Restriction Requirement
Docket No.: 4202.01 US

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**TRANSMITTAL LETTER
(General - Patent Pending)**Docket No.
4202.01 US

In Re Application Of:

Jonathan L. Sessler et al.

Serial No.
09/699,027Filing Date
10/27/2000Examiner
Lukton, DavidGroup Art Unit
1653

Title:

**METHODS AND COMPOSITIONS FOR TREATING ATHEROMA, TUMORS,
AND OTHER NEOPLASTIC TISSUE****TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

- (1) Facsimile Cover Sheet; (2) Transmittal Letter; (3) Response to Restriction Requirement mailed 11/12/02; and
(4) Certificate of Facsimile Transmission.

in the above identified application.

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Signature

Dated: December 5, 2002

Vinit G. Kathardekar, Reg. No. 39,461
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I certify that this document and fee is being faxed
on **DECEMBER 5, 2002**
under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.


Signature of Person Faxing Correspondence

RHONDA J. STINE
Typed or Printed Name of Person Faxing Correspondence

cc:

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 4202.01 US
Applicant(s): Jonathan L. Sessler et al.			
Serial No. 09/699,027	Filing Date 10/27/2000	Examiner Lukton, David	Group Art Unit 1653
Invention: METHODS AND COMPOSITIONS FOR TREATING ATHEROMA, TUMORS AND OTHER NEOPLASTIC TISSUE			
<p>I hereby certify that this <u>Transmittal Letter & Response to Restriction Requirement mailed 11/12/02</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703.872.9306</u>)</p> <p>on <u>December 5, 2002</u> (Date)</p> <p style="text-align: right;"><u>Rhonda J. Stine</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"><u><i>Rhonda J. Stine</i></u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

CERTIFICATE OF MAILING

I hereby certify that these papers are being sent by facsimile to the United States Patent and Trademark Office addressed to Examiner David Lukton, Patent Examiner, Group 1800, of the Assistant Commissioner Patents, Washington D.C. 20231, on:

By: Rhonda J. Stine
Rhonda J. Stine

Date: December 5, 2002

9
JM
12/7/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan L. Sessler et al.

Attorney Docket No.: 4202.01 US

Serial No.: 09/699,027

Group Art Unit: 1653

Filed: October 27, 2000

For: METHODS AND COMPOSITIONS FOR TREATING ATHEROMA, TUMORS
AND OTHER NEOPLASTIC TISSUE

RESPONSE AND ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed November 12, 2002, Applicants hereby respectfully elect Group 6 (claims 20-24) with traverse. Applicants further acknowledge the Examiner's position that one or more of the non-elected groups could be rejoined if claims within Group 6 are found allowable without significant (further) limitation.

In the interest of having the instant case prosecuted, Applicants elect the following species:

- (a) Motexafin Gadolinium (MGd) as the agent that accumulates in neoplastic tissue in accordance with Claim 20, step (a);
- (b) Ascorbate as the cellular metabolite in accordance with Claim 20, step (a);
- (c) Ascorbate as the "cellular metabolite" in accordance with Claim 20, step (c);
- (d) (ii) Ionizing radiation is not required required.